IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2607 OF 2007

The State of Maharashtra ..Applicant

Vs.

Krishnakumar Gulabchand Gupta & Ors. ..Respondents

Mr.A.R.Patil for the Applicant.
Mr.Ramesh Dube Patil i/b.M/s.Jay and Co.for the Respondents.

CORAM :- DR.S.RADHAKRISHNAN &
SMT.R.S.DALVI,JJ.

DATE : 5TH OCTOBER,2007

P.C.

1. Heard the learned Counsel for the parties. We have perused the Trial Court judgment dated 26th April,2007 acquitting all the Respondents from the offence punishable under Section 498-A and 313 of the Indian Penal Code. The learned Judge had clearly given a finding based on evidence that there was no evidence with regard to the demand of Rs.1,00,000/- to start a dispensary. Even with regard to other charge i.e.forcible abortion, the medical evidence clearly indicates that the child was already dead in the womb and it was a case of still born child and accordingly, the Doctor had to carry out an abortion to save the life of the Complainant. Under the aforesaid facts and circumstances of the case, we do not find any case made out for admitting this Appeal. Hence, we are not inclined to grant leave to Appeal. In view thereof,

Application for leave to Appeal stands rejected.

2. In view of rejection of the Application for leave to Appeal, the Appeal also stands dismissed.

(SMT.R.S.DALVI,J.) **(DR.S.RADHAKRISHNAN,J.)**